
Appeal Decisions

Site visit made on 7 September 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal A: APP/P1133/W/21/3276362

Brookes Barn, Pengellys Farm, Shillingford Abbot, Devon EX2 9QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Claire Dearden against the decision of Teignbridge District Council.
 - The application Ref 21/00125/HOU, dated 14 January 2021, was refused by notice dated 12 March 2021.
 - The development proposed is described as a single storey garden room extension.
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Appeal B: APP/P1133/Y/21/3276361

Brookes Barn, Pengellys Farm, Shillingford Abbot, Devon EX2 9QH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Dr Claire Dearden against the decision of Teignbridge District Council.
 - The application Ref 21/00126/LBC, dated 14 January 2021, was refused by notice dated 12 March 2021.
 - The works proposed are described as a single storey garden room extension.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but they address separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, in order to avoid duplication, I have dealt with the Appeals together, except where otherwise indicated.

Main Issue

4. The main issue is whether the works would preserve a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses.

Reasons

5. Brookes Barn is a residential conversion of part of a larger complex of former agricultural buildings. The complex is located towards the northwest of

Pengellys Farmhouse, which is itself a Grade II listed building. In this context the Act sets out the desirability of preserving the special interest of listed buildings, and the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.

6. Insofar as it is relevant to these appeals, the special interest and significance of the listed building resides in its probable C17th origin with C19th remodelling, its historic details and fabric, and its historic function as a farmhouse. The latter is illustrated by historic former agricultural buildings within its immediate setting, including the complex of which Brookes Barn forms part.
7. A listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. The brick-built complex in question was in place by the late C19th, and so may be broadly contemporary with the remodelling of the farmhouse. The complex is served by the same access as the farmhouse, and stands close to other buildings constructed immediately to its rear. Despite now being split, the complex was presumably in the same ownership as the farmhouse both historically, and at the date of listing. Taking these points into account I see no reason to question the view that the complex of which Brookes Barn forms part is covered by the listing of Pengellys Farmhouse.
8. The complex is constructed around a yard with a split-level arrangement. In this regard the outward facing lower floor of Brookes Barn appears to have been designed to provide shelter for livestock, with the yard level floor directly above used to store hay. A simple, regular sequence of openings on the lower floor remains appreciable, with loft door above. The complex as a whole reflects a key phase of C19th modernisation at Pengellys Farm. This is of historic importance whether or not it mirrors contemporary buildings and events common to other Devon farms.
9. The complex of which Brookes Barn forms part thus holds interest and significance in itself, whilst also making a positive contribution to the special interest, significance and setting of the farmhouse. The fact that the farmhouse and Brookes Barn are not immediately intervisible does not change this. This is because their relationship and significance are experienced by moving around them, rather than from any fixed point.
10. The appeal scheme seeks the attachment of a garden room to the lower floor of Brookes Barn. This would have a lean-to roof and framed glazed walls. In this regard a parallel has been drawn with traditional open fronted shelters, and with the minor lean-to structures sometimes found historically attached to the blank walls of historic agricultural buildings. The reasons for attaching such additions clearly varied within an agricultural context, and the underlying functional rationale is usually capable of some logical interpretation. In this case the design and positioning of the proposed structure would however show no obvious compatibility with the historic character or function of the building to which it would be attached. Indeed, it would obstruct 2 openings designed to enable access by livestock, within an elevation characterised by a formal sequence of such openings. As such any reasonable parallel with historic practice falls away. Indeed, it is unlikely that the proposed structure would be interpreted as anything other than an insensitively positioned modern domestic extension. This would be further highlighted by its glazed walls, and its closely

spaced framing and rooflights, which would cause it to bear little direct resemblance to a traditional agricultural structure. This would remain the case even if the rooflights were removed, and would be true regardless of the extent of visibility from outside the garden.

11. The proposed extension would as such appear as a visually obtrusive domesticating feature, that would detract from appreciation of the historic functional character and design of the building. This would neither achieve preservation of its special interest, nor conservation of its significance.
12. The extension would replace a pergola which is likewise an insensitively positioned feature of domestic character. I have been provided with no indication of its lawfulness. It is however insubstantial in nature and quite unlike the structure proposed. Its existing presence does not therefore provide a basis to alter my findings above.
13. Insofar as the appellant makes reference to reversibility, I have been provided with no reason to believe that once built, removal of the extension would ever occur. The theoretical potential to remove the extension in the future does not therefore justify the harm that its addition would cause.
14. The appellant indicates that the scheme would provide for the needs of a disabled family member. With reference to the Public Sector Equality Duty contained in the Equality Act 2010 (EA 2010), I have had due regard under Section 149 of the EA 2010 to the requirement to take steps to meet the needs of persons who share a protected characteristic. The EA 2010 defines disability as one such characteristic. The scheme seeks to meet these needs by providing an accessible expanded 'ground floor' living space with connections into the garden. This would assist in care at home. Dismissal of the appeals would fail to meet these needs. That said, it has not been shown that the existing dwelling cannot be reasonably adapted through an alternative subdivision of internal space, whilst modifications to improve accessibility, including step free access to the garden, do not necessitate the construction of the proposed extension. For the same reason they do not justify the harm that would be caused by the latter.
15. In view of my findings above the scheme would both fail to preserve the special interest and significance of Brookes Barn, and the contribution it makes to the special interest, significance and setting of the farmhouse. As such, it would conflict with the expectations of the Act. The harm caused to the significance of the listed building would, as a whole, be less than substantial. Such harm attracts great weight. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
16. In this regard the provision of an accessible expanded living space to facilitate home care is advanced as the main public benefit of the scheme. However, whilst I have found that there is no clear requirement for the extension in this context, it is not otherwise apparent how the claimed benefit would be realised by the public at large, if at all. Insofar as it is further suggested that use of the extension could subsequently benefit future occupants, young or old, and for a variety of domestic purposes, such benefits would clearly be private. The above being so, I cannot attach any weight to these considerations.
17. The works would generate business for whoever was contracted to undertake it, however any economic benefit to the broader economy would be negligible.

As such, the harm that would be caused by the scheme would not be outweighed by public benefits. This indicates that the appeals should be dismissed.

18. For the reasons outlined above I conclude that the scheme would fail to preserve the special architectural and historic interest and setting of the listed building. In relation to Appeal A, and insofar as it is relevant to Appeal B, the scheme would therefore conflict with Policy EN5 of the Teignbridge Local Plan 2013-33 which requires development to respect and draw inspiration from the local historic environment responding positively to the character and distinctiveness of the area. With regard to both appeals, the scheme would fail to satisfy the requirements of the Act and heritage policy set out within the Framework.

Conclusion

19. Exercising due regard under section 149 of the EA 2010 as set out above, I conclude that the scheme would cause unacceptable harm to a designated heritage asset, and, in relation to Appeal A, conflict arises with the development plan. No other considerations, including the EA 2010, alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR